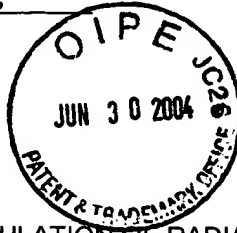


#9

PETITION UNDER 37 CFR 1.78(a)(3) or (6) FOR THE ACCEPTANCE OF AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e), 120, 121, OR 365(c). Attorney's Docket No. 005652.P014XC

First named inventor: Mark W. Miles

Application No.: 09/991,378



Group Art Unit: 2675

Filed: November 21, 2001

Examiner: Ward, Aaron S.

Title: INTERFEROMETRIC MODULATION OF RADIATION

Attention: Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified

☐ National ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

application failed to contain a reference to a prior filed co-pending application 08/769,947, now
(application no.)

abandoned for a claim under 35 U.S.C. 120, 121, or 356(c) for the benefit of the prior filed application by either inclusion in an application data sheet or amendment of the specification to contain such reference in the first sentence following the title, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application.

OR

The above-identified

☐ Nonprovisional

application failed to contain a reference to a prior filed co-pending provisional application _____
(application no.)

for a claim under 35 U.S.C. 119(e) for the benefit of the prior filed provisional application by either inclusion in an application data sheet or amendment of the specification to contain such reference in the first sentence following the title, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior provisional application.

APPLICANT HEREBY PETITIONS TO AMEND THE FIRST SENTENCE, FOLLOWING THE TITLE, OF THE SPECIFICATION OF THIS APPLICATION TO CLAIM PRIORITY TO THE PRIOR APPLICATION 08/769,947, NOW ABANDONED.
(application no.)

NOTE: A grantable petition requires the following items:

- (1) The surcharge fee set forth in § 1.17(t); and
- (2) A statement that the entire delay was unintentional.

PETITION UNDER 37 CFR 1.78(a)(3) or (6) FOR THE ACCEPTANCE OF AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e), 120, 121, OR 365(c). Attorney's Docket No. 005652.P014XC

(1) Fee

☒ Fee \$ 1330.00 (37 CFR 1.17(t))

(2) Statement

The entire delay between the date the claim was due under §1.78(a)(2) or §1.78(a)(5) and the date this claim is being filed was unintentional.

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 6/23, 2004

Vani Moodley
Vani Moodley
Reg. No.: Under 37 CFR § 10.9(b)

12400 Wilshire Boulevard
Seventh Floor
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By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington D. C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

6/23/04

Date

HB Bains

Signature

Harleen Bains

Typed or printed name of person signing Certificate